IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP No.10063 of 2007
Date of decision: 10. 7.2007

Gurdial Singh

...Petitioner

vs.

The Presiding Officer, Labour Court and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. RS Ahluwalia, Advocate for the petitioner.

JUDGMENT:

This petition challenges award of the Labour Court rejecting the claim of the workman. Question of justifiability of termination of services of the workman was referred for adjudication at his instance. His claim was that he joined as a regular employee in the year 1977 and continued in service till 28.4.2000. His services were terminated without any fair and proper enquiry.

The management contested the claim and submitted that on receiving a complaint of embezzlement, enquiry was held

against the workman which was fair and proper. He was found guilty of the charges. After giving him a copy of enquiry report and giving him an opportunity to give reply, order of termination of his services was passed. The management also reserved liberty to lead evidence to prove the charge.

The Labour Court after holding that no fair and proper enquiry was held, recorded the evidence of the management and after considering the same, held that the charge against the workman was proved. Reliance was placed, inter-alia, on the evidence of Prem Singh, Inspector MW3 and Rajinder Kumar, Inspector MW4 who had checked the bus where the petitioner was deputed and found sale of old tickets by the workman. It was also observed that stand of the workman was that Darshan Singh, Adda Conductor had sold the old tickets was not reliable in absence of Adda Conductor having been examined.

Learned counsel for the petitioner submitted that the Labour Court has also referred to enquiry proceedings, even though, the enquiry held by the management was held not to be fair and proper. Reliance has been placed on judgment of the Hon'ble Supreme Court in **Neeta Kaplish v. Presiding Officer, Labour Court and another,** 1999(1) RSJ 218.

We are unable to accept the submission made. The Labour Court has referred to the evidence which was led before the

Labour court itself, as mentioned in the earlier part of the judgment. Prem Singh Inspector MW3 and Rajinder Kumar Inspector MW4 have supported the case of the management. In these circumstances, the judgment relied upon is distinguishable.

No interference is, thus, called for with the award of the Labour Court.

The writ petition is dismissed.

(Adarsh Kumar Goel)
Judge

July 10, 2007
'gs'

(Ajai Lamba)
Judge